

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-071503

01/19/2012

HONORABLE CASEY J. NEWCOMB

CLERK OF THE COURT

A. Fagnani

Deputy

STATE OF ARIZONA, EX REL, DES
RICK M JORGIC

JOE M ROMLEY

BRIAN K. STANLEY

AND

RHONDA L CHAPTON

RHONDA L CHAPTON

12562 WEST FAIRMOUNT AVENUE

AVONDALE AZ 85392

BRIAN K STANLEY

AG-CHILD SUPPORT-SOUTH

CENTRAL OFFICE

FAMILY COURT SERVICES-CCC

MINUTE ENTRY

JUDGMENT/ORDER

On May 12, 2011, Mr. Rick M. Jorgic filed a Petition for Post-Decree Modification of Parenting Time and Child Support and for the Entry of Parenting Orders ("Petition"). On May 25, 2011, Ms. Rhonda L. Chapton filed a Response to Petitioner's Petition for Modification of the Current Physical Custody Schedule and Child Support ("Response").¹ On January 10, 2012, the Court took this matter under advisement following a hearing. To the extent it has the jurisdiction to do so, the Court has considered and made provisions for the modification of child support.

Hereinafter, Mr. Rick M. Jorgic shall be referred to as "Father" and Ms. Rhonda L. Chapton shall be referred to as "Mother".

¹ This Court only dealt with the modification of child support issue. The Court notes that Father initially filed a Petition to Modify Child Support on November 16, 2010. However, the Court dismissed that Petition on March 24, 2011.

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CHILD SUPPORT – MODIFICATION

On March 9, 2007 and September 25, 2007, the Court ordered that Father pay \$1,122.33 per month to Mother for child support. Based on the evidence presented at hearing, **THE COURT FINDS** that there has been a substantial and continuing change of circumstances warranting a modification of the child support amount. Most notably, the substantial and continuing changes in circumstances are: (1) Father's income; (2) Mother's income; and (3) Father's parenting time.

Based on the evidence presented, for the purpose of calculating child support, the Court makes the following findings:

Father's Income	\$4,991.00/mo. ²
Mother's Income	\$2,026.00/mo. ³
Adjustments to Father's Income	\$1,231.00 (twins)
Adjustments to Mother's Income	\$0
Child Care Expenses	\$0
Health Insurance (Father pays)	\$380.80/mo. ⁴
Extra Education Expense	\$0
Parenting Time Adjust (154 days)	36.2%

In applying these findings under the *Arizona Child Support Guidelines*,

² The Court makes this finding based on Father's testimony that he earns a salary of \$4,500.00 per month from his employer, Waddell Landscape LLC, and the paystubs attached to Exhibit 1. *See*, Exhibit 1. The Court further assigned an additional \$391.00 per month to Father's gross income because Waddell Landscape LLC pays the monthly truck payment for the truck driven by Father. The Court further assigned an additional \$100.00 per month to Father's gross income because Waddell Landscape LLC pays the monthly insurance payment for the truck driven by Father. *See, Arizona Child Support Guidelines*, Section 5(D).

³ The Court attributes minimum wage to Mother pursuant to A.R.S. §25-320(N) and the *Arizona Child Support Guidelines*, Section 5(E). Thus, the Court finds that Mother is capable of earning \$7.65 per hour or \$1,326.00 per month. The Court further assigned an additional \$500.00 per month to Mother's gross income because Mother is currently residing at her parents' home and has rarely paid rent in the past year. *See, Arizona Child Support Guidelines*, Section 5(A)(gross income includes recurring gifts; cash value shall be assigned to in-kind or non-cash benefits). The Court further assigned an additional \$200.00 per month to Mother's gross income because Mother is currently driving her parents' automobile and has made no car rental or automobile insurance payments since 2010. *Id.*

⁴ The Court calculated the monthly health insurance expense as follows: \$952.00 monthly premium divided by five (5) covered individuals multiplied by the two (2) minor children at issue in this matter. *See*, Exhibit 3.

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IT IS ORDERED that Father shall pay to Mother as and for child support the sum of **\$245.18** per month, payable through the Support Payment Clearinghouse on the 1st day of each month, retroactive to June 1, 2011,⁵ by Wage Assignment.

IT IS FURTHER ORDERED approving and settling Formal written *Child Support Order* signed by the Court on January 19, 2012 and filed (entered) by the above-named deputy clerk on January 20, 2012.

LET THE RECORD REFLECT that an Order of Assignment (\$250.18 per month total: \$245.18 per month as and for current child support; \$0.00 per month towards child support arrearages⁶; \$5.00 per month as and for the Support Payment Clearinghouse Handling Fee) is electronically issued herewith.

IT IS FURTHER ORDERED that within five (5) days from the filing date of this minute entry, Father shall submit to this Court a completed Current Employer Information Sheet, a form for which is attached to this minute entry for Father's convenience.

IT IS FURTHER ORDERED that until the Wage Assignment becomes effective, it is the responsibility of the party obligated to pay child support to pay the support to Support Payment Clearinghouse, P. O. Box 52107, Phoenix, AZ 85072-2107. The payment should show the case number and/or ATLAS case number, the name of the party paying support, and the name of the party who will receive the payment.

If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within 10 days of the change (A.R.S. §25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.

⁵ Father filed the Petition on May 12, 2011. Mother filed her Response on May 25, 2011. Accordingly, Mother must have been served with (or received notice of) the Petition in May of 2011. Thus, the child support order shall be modified retroactive to June 1, 2011, pursuant to A.R.S. §25-327(A). The Court notes that the minimum wage changed from \$7.35 per hour to \$7.65 per hour effective January 1, 2012. However, for ease of calculation, the Court used the higher monthly minimum wage retroactive to June 1, 2011. The Court notes that the .30 per hour increase during the period of June 1, 2011 thru December 31, 2011, is more than covered by the additional recurring gifts and benefits given to Mother by her parents and her boyfriend (paid telephone bill) during that time period.

⁶ The Court declines to set a payment on arrears until the State has recalculated the total arrears owed by Petitioner to Respondent taking into account the Court's October 11, 2011 Minute Entry and today's retroactive modification of child support.

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INSURANCE AND UNREIMBURSED MEDICAL EXPENSES

IT IS ORDERED that Father shall continue to provide medical, dental, and vision insurance coverage for the minor children.

IT IS FURTHER ORDERED that Father shall be responsible for 65% of the unreimbursed medical, dental, or vision expenses incurred by either party on behalf of the minor children. Mother shall be responsible for 35% of the unreimbursed medical, dental, or vision expenses incurred by either party on behalf of the minor children.

IT IS FURTHER ORDERED that on or before the fifteenth day of each month, the parties shall exchange receipts for unreimbursed medical, dental, or vision expenses which they incurred on behalf of the minor children during the previous month. Failure to timely comply with this order may result in the waiver of the requesting party's right to reimbursement. On or before the fifteenth day of the following month, each party shall reimburse the other party for his/her percentage of the expenses that he/she is responsible for, as set forth above.

TAX EXEMPTION

IT IS ORDERED for income tax purposes that Father is entitled to claim Marisa every tax year beginning 2012 and Hailey every odd tax year beginning 2013. *See*, Child Support Order, filed on January 20, 2012.

IT IS ORDERED for income tax purposes that Mother is entitled to claim Hailey every even tax year beginning 2012. *See*, Child Support Order, filed on January 20, 2012.

IT IS FURTHER ORDERED that this pattern shall repeat until the older minor child has reached the age of 18 and has graduated from high school. At that time, Father shall claim the younger minor child two (2) out of every three (3) years until the younger minor child has reached the age of 18 and has graduated from high school.

The right to claim the dependency exemption(s) is conditioned upon payment by December 31 of the total court-ordered child support obligation for the current calendar year and any court-ordered arrearage payments due during that calendar year for which the exemption is to be claimed. If these conditions have been met, the custodial parent shall execute the necessary Internal Revenue Service forms to transfer the exemptions. If the noncustodial parent has paid the current support, but has not paid the court-ordered arrearage payments, the noncustodial parent shall **NOT** be entitled to claim the exemption.

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IT IS FURTHER ORDERED signing this minute entry as a formal written Judgment/Order of the Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/s/ The Honorable Casey J. Newcomb

The Honorable Casey J. Newcomb

JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.